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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,671	07/17/2003	Robert Bruscini	B0227.70000US00	2067

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EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/621,671

Applicant(s)

BRUSCINI, ROBERT

Examiner

Brian K. Green

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claims 1-3 and 7-14 are objected to because of the following informalities: In claim 1, lines 8-9, two occurrences, “the fabric” should be “the fabric-like material” to correspond to the language used on lines 6-7. In claim 1, line 8, “each pin” should apparently be “the at least one pin” since the term each pin suggests that there is more than one pin. In claim 2, line 1, “the member” should be “the pressure member” to make it clear that the applicant is referring to the pressure member. In claim 7, line 6, “of back panel” should be “of the back panel” to make it clear that the applicant is referring to the same back panel mentioned earlier in the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

Claims 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, line 2, the attaching member is connected to the back panel and not “in” the back panel as defined on line 2. In claim 10, line 2, “an award bar” is confusing since it is not clear whether the applicant is referring to the award bar defined in claim 7 or to an additional award bar. In claim 12, line 3, “pressure members” is confusing since it is not clear whether the pressure member defined in claim 7 is included in the “pressure members” or is in addition to the pressure members. In claim 12, lines 3-4, there is no antecedent basis for “the end award bars”.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-8 and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Quant (U.S. Patent No. 2,221,926).

Quant shows in figures 1-7 an award bar and holder combination comprising a generally C-shaped holder (10) having sidewalls (12) that overlap the side edges of the award bars (17), a pressure member (14,16) in the holder for bearing against the award bars (17) causing the bars (17) to press against the sidewalls (12), and at least one fastener (A or B,B') mounted on the back of the holder for securing the holder to a support. In regard to claim 5, the holder includes a back panel (11) and the pressure member (14,16) is considered to be an integral part of the back panel. In regard to claim 6, as broadly defined, the pressure member is welded to the back panel so it is considered to be a segment of the back panel. In regard to claim 7, Quant shows in figure 7 lips (13,13) formed on the holder. In regard to claim 8, the attaching member (A or B,B') is attached to the back side of the back panel. In regard to claim 10, the holder is at least twice as long as the award bars (17), i.e. the holder holds three of the award bars (17). In regard to claim 11, the pressure member includes portions (16) which project forwardly of the front side of the back panel. In regard to claim 12, the pressure member includes portions (16,16) at opposite ends of the holder. In regard to claim 13, the back panel of the holder is considered to include the portion 11 and the portion 14 and the pressure member is considered to be elements (16)

Art Unit: 3611

formed in the back panel. In regard to claim 14, Quant discloses on page 2, lines 17-21 that the pressure members elements (16) could be formed directly in the back panel (11).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quant (U.S. Patent No. 2,221,926) in view of Harn (U.S. Patent No. 3,192,655) or Elkies (U.S. Patent No. 2,495,577).

Quant discloses the applicant's basic inventive concept except for making the attachment member in the form of a pin attached to the holder and a clasp. Harn shows in figures 1-3 the idea of making an attachment member in the form of a pin (13) attached to a holder and a clasp (32). Elkies shows in figures 1-3 the idea of making an attachment member in the form of a pin (20) attached to a holder and a clasp (21). In view of the teachings of Harn or Elkies it would have been obvious to one in the art to modify Quant by making the attachment member in the form of a pin and clasp since this would allow the display device to be attached to and removed from an article of clothing in an easier and faster manner.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3611

Valiulis, Taylor, Zennedjian, Auer, and Chrietzberg et al. teach the use of display devices that include pressure members thereon. Guinn teaches the use of a holder that includes pressed out portions (3) on the back wall.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
Sept.3, 2004